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FILED

JUL 30 2019

**In the
United States Court of Appeals for the Fifth Circuit**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

No. 19-50492

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

RICHARD NIKOLAI GRATKOWSKI,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas

5:18-cr-431-DAE

**UNOPPOSED MOTION FOR ORDER DIRECTING DISTRICT
CLERK TO PROVIDE TO COUNSEL SEALED DOCUMENTS
THAT ARE PART OF THE RECORD ON APPEAL**

This is a direct appeal from a final decision of the United States District Court for the Western District of Texas entering a judgment of criminal conviction and sentence under the Sentencing Reform Act of 1984. Counsel has downloaded the electronic record that is available on this Court's CM/ECF system, but the entire record was not made available by the district clerk. Specifically, there are sealed documents listed on the docket sheet that are not available for download. The docket sheet does not say that any of these documents were filed ex parte. These documents are part of the record on appeal as they are among the "original papers ... filed in the district court[.]" Fed. R. App. P. 10(a)(1).

Counsel needs access to these documents to represent Gratkowski adequately and to cite the electronic record properly. Therefore, Gratkowski asks the Court to order the district clerk to provide all sealed documents to counsel for use in prosecution of the appeal. See 5th Cir. R. 27.1.20.

Counsel for Gratkowski has been authorized to inform the Court that Plaintiff-Appellee, the United States of America, does not oppose this motion.

Respectfully submitted.

MAUREEN SCOTT FRANCO
Federal Public Defender

s/ Bradford W. Bogan
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CERTIFICATE OF SERVICE

I certify that on July 29, 2019, I electronically filed the “Unopposed Motion for Order Directing District Clerk to Provide to Counsel Sealed Documents That Are Part of the Record on Appeal” with the Clerk of Court using the CM/ECF system which will send notification of such filing to John F. Bash, U.S. Attorney for the Western District of Texas (Attn: Assistant U.S. Attorney Joseph H. Gay Jr.), via electronic mail.

s/ Bradford W. Bogan
BRADFORD W. BOGAN
Attorney for Defendant-Appellant

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME
LIMIT**

1. This document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 190 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Century Schoolbook.

s/ Bradford W. Bogan

BRADFORD W. BOGAN

Attorney for Defendant-Appellant

Dated: July 29, 2019